Case 3:06-cv-00410-MHT-SRW Document 9-6 Filed 05/23/2006 Page 1 of 9
Page 1 of

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE VIOXX PRODUCTS LIABILITY LITIGATION

BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D. LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR., KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL

TRANSFER ORDER

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by the health care defendant in the Southern Texas action and plaintiffs in the remaining 47 actions listed on Schedule A to vacate the Panel's orders conditionally transferring the actions to the Eastern District of Louisiana for inclusion in the Section 1407 proceedings occurring there in this docket. Merck & Co., Inc., favors inclusion of these actions in MDL-1657 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Louisiana. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Any pending motions to remand to state court can be presented to and decided by the transferee judge. See, e.g., In re Ivy, 901 F.2d 7 (2d Cir. 1990); In re Prudential Insurance Company of America Sales Practices Litigation, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons expressed in the original order directing centralization in this docket. In that order, the Panel held that the Eastern District of Louisiana was a proper Section 1407 forum for actions involving claims of liability for allegedly adverse effects arising from the ingestion of Vioxx. See In re Vioxx Products Liability Litigation, 360 F.Supp.2d 1352 (J.P.M.L. 2005).

To the North Carolina plaintiff who argues that he does not have the resources to litigate his claims in the Eastern District of Louisiana and to the health care defendant in the Southern Texas action who argues that it is not proper to split the Texas action into multiple pretrial proceedings, we emphasize that since Section 1407 transfer is for pretrial proceedings, there is usually no need for the parties and witnesses to travel to the transferee districts for depositions or otherwise. See, e.g., Fed.R.Civ.P. 45(c)(3)(A). Furthermore, the judicious use of liaison counsel, lead counsel and steering

Judge Motz took no part in the decision of this matter.



	Fee
<u> </u>	Process
<u>X</u>	Process
	CtRmDep
	Doc. No

Case 3:06-cv-00410-MHT-SRW Case 2:05-md-01657-EEF-DEK

Document 9-6 Document 1259 Filed 05/23/2006 Filed 10/27/2005

Page 2 of 9 Page 2 of 9

A CERTIFIED TRUE COPY

进入 -2-

committees will eliminate the need for most counsel ever to travel to the transferee districts. And it is logical to assume that prudent counsel will combine their forces and apportion their workload in ord to streamline the efforts of the parties and witnesses, their counsel and the judicia of the parties and witnesses, their counsel and the judicia of the parties and witnesses, their counsel and the judicia of the parties and witnesses, their counsel and the judicia of the parties and witnesses, their counsel and the judicia of the parties and witnesses, their counsel and the judicia of the parties and witnesses, their counsel and the judicia of the parties and witnesses, their counsel and the judicia of the parties and witnesses, their counsel and the judicia of the parties and witnesses and the judicia of the parties and witnesses and the judicia of the judicia of the parties and the judicia of the ju combined with uniform case management approaches instituted or antic pate proceedings will foreseeably lead to an overall savings in transaction costs. See In re Asbestos Products Liability Litigation (No. VI), 771 F.Supp. 415, 422 (J.P.M.L. 1991).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Eldon E. Fallon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

IT FURTHER ORDERED that the claims against Pfizer Inc. (Pfizer) and the physician defendant in Santos Villarreal Layton v. Dario Arango, M.D., et al., S.D. Texas, C.A. No. 7:05-149, relating to Pfizer's Celebrex prescription medication are separated and remanded, pursuant to 28 U.S.C. § 1407(a), to the Southern District of Texas.

FOR THE PANEL:

Wm. Terrell Hodges

Chairman

05-5305

SCHEDULE A

MDL-1657 -- In re Vioxx Products Liability Litigation

2 10 View 1 Todacts Diability Litigation		
	EDLA	
Southern District of California	SEC. L/3	
Alvin Williams v. Merck & Co., Inc., et al., C.A. No. 3:05-943	05-5272	
Margaret Stein v. Merck & Co., Inc., et al., C.A. No. 3:05-944	05-5273	
Otis Anderson v. Merck & Co., Inc., et al., C.A. No. 3:05-945	05-5274	
Joan Ongley v. Merck & Co., Inc., et al., C.A. No. 3:05-947	05-5275	
Hilda Armenta v. Merck & Co., Inc., et al., C.A. No. 3:05-948	05-5276	
Robert Levesque v. Merck & Co., Inc., et al., C.A. No. 3:05-949	05-5277	
Clancy Lucille Holloway v. Merck & Co., Inc., et al., C.A. No. 3:05-950	05-5278	
Laura Martinez v. Merck & Co., Inc., et al., C.A. No. 3:05-951	05-5279	
Clarice Forbes v. Merck & Co., Inc., et al., C.A. No. 3:05-953	05-5280	
Robert Castro v. Merck & Co., Inc., et al., C.A. No. 3:05-954	05-5281	
Joseph Capozzi v. Merck & Co., Inc., et al., C.A. No. 3:05-957	05-5282	
Anna Lemmons v. Merck & Co., Inc., et al., C.A. No. 3:05-958	05-5283	
Richard Brown v. Merck & Co., Inc., et al., C.A. No. 3:05-959	05-5284	
Aida Hernandez v. Merck & Co., Inc., et al., C.A. No. 3:05-960	05-5285	
Harvey Persh v. Merck & Co., Inc., et al., C.A. No. 3:05-961	05-5286	
Robert Scott v. Merck & Co., Inc., et al., C.A. No. 3:05-962	05-5287	
Violet Abramson v. Merck & Co., Inc., et al., C.A. No. 3:05-963	05-5288	
Carmen Esquer v. Merck & Co., Inc., et al., C.A. No. 3:05-964	05-5289	
2 20, 200, 00 41, 0.21, 110, 5,05-504	03.3209	
Southern District of Illinois		
Rosie-May Spann v Marak & Co. Inc. at al. C. A. N. 205 215		
Rosie-May Spann v. Merck & Co., Inc., et al., C.A. No. 3:05-315	05-5290	
James Steele, Jr., et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-339	05-5291	
Greg Miller, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-361	05 - 52 92	
Wilma Gaston, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-362	05-5293	
John Allen, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-377	05-5294	
Western District of Kentucky		
William Andrew Curl, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-324	05-5295	
Brenda Cox, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-332	05-5296	
Patrick Wayne Overall, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-33:		
James Goodman v. Merck & Co., Inc., et al., C.A. No. 3:05-334	05-5297	
Steven Clark v. Merck & Co., Inc., et al., C.A. No. 3:05-335	05-5298	
	05-5299	
Eastern District of Missouri		
Develop Co		
Dorothy Ganser, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-557		
Letty Bess, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-568	05-5301	
Arthur Mullins, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-569		
Dorothy Rassing, et al. v. Merck & Co., Inc., et al., C.A. No. 4.05-631	05-5302 05-5303	
Shirley 200k, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-632	05-5304	
Andrew Kisty, et al. v. Merch & Co. Inc. et al. C.A. No. 4.05 665	05-5305	

Andrew Kisty, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-665

- A2 -	·
Eastern District of Missouri (Continued)	EDLA SEC. L/3
Virginia Kell, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-666 Mary Benson, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-668 Earlie Douglas, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-669 Ricardo Lara, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-671 Loretta Trinidad, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-673 David Moultrie, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-674 Irene Rogers, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-675 Charlotte Bohlke, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-837	05-5306 05-5307 05-5308 05-5309 05-5310 05-5311 05-5312 05-5313
Middle District of North Carolina Jimmy Reid v. Merck & Co., Inc., C.A. No. 1:05-348	
Eastern District of Texas	05-5314
Elfriede Blacketer v. Merck & Co., Inc., et al., C.A. No. 1:05-336 Walter Maddox v. Merck & Co., Inc., et al., C.A. No. 1:05-338	05-5315 05-5316
Southern District of Texas	
Santos Villarreal Layton v. Dario Arango, M.D., et al., C.A. No. 7:05-149	05-5317
Western District of Washington	
Robert K. Waitt v. Merck & Co., Inc., et al., C.A. No. 2:05-759	05-5318
Northern District of West Virginia	
Shelia Dalgo v. Merck & Co., Inc., C.A. No. 5:05-48	05-5319

PAGE 1 of 2

INVOLVED COUNSEL LIST DOCKET NO. 1657 IN RE VIOXX PRODUCTS LIABILITY LITIGATION

Kevin J. Adrian Brown & James 1010 Market Street, 20th Floor St Louis, MO 63101

T. Scott Allen Cruse Scott Henderson & Allen, LLP 2777 Allen Parkway, 7th Floor Houston, TX 77019-2133

Charles Avrith Hughes, Hubbard & Reed, LLP 350 South Grand Avenue, 36th Floor Los Angeles, CA 90071

Crystal Bowie Baker Nelson Mullins Riley & Scarborough The Knollwood, Suite 530 380 Knollwood Street Winston-Salem, NC 27103

Dan H. Ball Bryan Cave, L.L.P. One Metropolitan Square 211 N. Broadway, Suite 3600 St. Louis, MO 63102-2750

Christopher J. Blake Nelson, Mullins, Riley & Scarborough, LLP P.O. Box 30519 Raleigh, NC 27622-0519

J. Trenton Bond Reaud, Morgan & Quinn, LLP 801 Laurel Street P.O. Box 26005 Beaumont, TX 77720-6005

Donald K. Brown, Jr. O'Bryan, Brown & Toner 1500 Starks Building 455 South Fourth Street Louisville, KY 40202-2513

Michael K. Brown Reed Smith, LLP 355 South Grand Avenue, Suite 2900 Los Angeles, CA 90071-1514

James M. Burd Whonsetler & Johnson, PLLC 6011 Brownsboro Park Blvd., Suite E Louisville, KY 40207 Evan D. Buxner Walther Glenn Law Associates 1034 South Brentwood Blvd. Suite 1300 St. Louis, MO 63117

Joseph S. Cohen Beirne, Maynard & Parsons 1300 Post Oak Blvd., Suite 2500 Houston, TX 77056-3000

John P. Cunningham Brown & James Richland Plaza 1 525 Main Street Belleville, IL 62220

Charles A. Deacon Fulbright & Jaworski, L.L.P. 300 Convent Suite 2200 San Antonio, TX 78205

David A. Dick Thomspson Coburn, LLP One US Bank Plaza, Suite 2600 St Louis, MO 63101

Kenneth J. Ferguson Clark, Thomas & Winters P.O. Box 1148 Austin, TX 78767-1148

Francis J. Flynn Jeffrey J. Lowe, P.C. 8235 Forsyth Boulevard, Suite 1100 St. Louis, MO 63105

Alberto Tover Garcia, III Law Office of Alberto T. Garcia, III 10125 North 10th Street, Suite E McAllen, TX 78504

Andrew C. Gauen Merrick, Hofstedt & Lindsey 710 9th Avenue Seattle, WA 98104

Lawrence B. Grebel Brown & James, P.C. 1010 Market Street 20th Floor St. Louis, MO 63101 Dan H. Hall Bryan Cave, L.L.P. One Metropolitan Square 211 N. Broadway, Suite 3600 St. Louis, MO 63102-2750

Russ M. Herman Herman, Herman, Katz & Cotlar, L.L.P. 820 O'Keefe Avenue New Orleans, LA 70113

Douglas A. Hofmann Williams, Kastner & Gibbs P.O. Box 21926 601 Union Street, Suite 4100 Seattle, WA 98101

Jeffrey A. Holmstrand McDermott & Bonenberger, PLLC 53 Washington Avenue Wheeling, WV 26003-0316

William Zachary Hughes Baker Botts LLP 910 Louisiana Suite 3000 One Shell Plaza Houston, TX 77002-4995

Richard L. Josephson Baker Botts LLP One Shell Plaza 910 Louisana Street, Suite 3000 Houston, TX 77002-9934

Norman C. Kleinberg Hughes Hubbard & Reed, LLP One Battery Park Plaza, 12th Floor New York, NY 10004-1482

McCall B. Kuhne Dougherty, Hildre & Haklar 2550 Fifth Avenue, Suite 600 San Diego, CA 92103-6624

Jeffrey J. Lowe Jeffrey J. Lowe, PC 8235 Forsyth Boulevard, Suite 1100 St. Louis, MO 63105

Gerry Lowry Fulbright & Jaworski, L.L.P. 1301 McKinney Street, Suite 5100 Houston, TX 77010-3095 **INVOLVED COUNSEL LIST- MDL-1657**

PAGE 2 of 2

Richard L. Martens Martens Ragen 705 Fifth Avenue South, Suite 150 Seattle, WA 98104-4425

Timothy F. McCurdy Husch & Eppenberger, LLC 190 Carondelet Plaza, Suite 600 St. Louis, MO 63105

Winston E. Miller Frost, Brown & Todd, L.L.C. 400 West Market Street, 32nd Floor Louisville, KY 40202

Ann B. Oldfather Oldfather & Morris 1330 South Third Street Louisville, KY 40208

Rene O. Oliveira Roerig, Oliveira & Fisher 855 West Price Road, Suite 9 Brownsville, TX 78520

Gary P. Paul Brinker & Doyen 120 S. Central Ave., Suite 700 Clayton, MO 63105

Susan J. Pope Frost, Brown & Todd, L.L.C. 250 W. Main Street 2700 Lexington Financial Center Lexington, KY 40507-1749

D. Brian Rattliff
Bubalo & Hiestand, PLC
401 S. Fourth Street, Suite 800
Louisville, KY 40202

Jimmy Reid 1421 Miltonwood Road Brown Summit, NC 27214

D. Aaron Rihn
Peirce, Raimond & Coulter, P.C.
2500 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219-1918

Jaime A. Saenz Rodriguez, Colvin & Chaney 1201 E. Van Buren Brownsville, TX 78520 T. Evan Schaeffer Schaeffer & Lamere, PC 5512 Godfrey Road, Suite B Godfrey, IL 62035

Randy J. Soriano Bryan Cave, L.L.P. One Metropolitan Square 211 N. Broadway, Suite 3600 St. Louis, MO 63102-2750

Stephen G. Strauss Bryan Cave, L.L.P. One Metropolitan Square 211 N. Broadway, Suite 3600 St. Louis, MO 63102-2750

Bryant M. Struble Thompson & Coburn, LLP One US Bank Plaza, Suite 2600 St. Louis, MO 63101

David Tao, M.D. 8006 Old Shepherdsville Rd. Louisville, KY 40202

Tyler S. Thompson
Dolt, Thompson, Shepherd & Kinney
455 S. 4th Street
310 Starks Building
Louisville, KY 40202

Gerald Richard Toner O'Bryan, Brown & Toner 455 S. Fourth Avenue 1500 Starks Building Louisville, KY 40202

Carrie Von Hoff O'Hagan, Smith & Amundsen, LLC 150 North Michigan Avenue, Suite 3300 Chicago, IL 60601

James E. Whaley Brown & James 1010 Market Street 20th Floor St Louis, MO 63101

Phillip A. Wittmann Stone, Pigman, Walther & Wittmann, LLC 546 Carondelet Street New Orleans, LA 70130-3588

INVOLVED JUDES LIST DOCKET NO. 1657 IN RE VIOXX PRODUCTS LIABILITY LITIGATION

Hon. Henry E. Autrey
U.S. District Judge
10N Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street
St. Louis, MO 63102

Hon. Jennifer B. Coffman U.S. District Judge U.S. District Court P.O. Box 2228 Lexington, KY 40588

Hon. Randy Crane
U.S. District Judge
U.S. District Court
1701 W. Business Highway 83
Suite 928
McAllen, TX 78501

Hon. Marcia A. Crone U.S. District Judge U.S. District Court P.O. Box 1470 Beaumont, TX 77706

Hon. Audrey G. Fleissig
U.S Magistrate Judge
Thomas F. Eagleton U.S. Courthouse
Suite 3300
111 South 10th Street
St. Louis, MO 63102-9958

Hon. Jean C. Hamilton
U.S. District Judge
16N Thomas F. Eagleton U.S. Courthouse
111 South Tenth St., 16th Floor
St. Louis, MO 63102-1116

Hon. Carol E. Jackson Chief Judge, U.S. District Court 14N Thomas F. Eagleton U.S. Courthouse 111 South Tenth St., 14th Floor St. Louis, MO 63102-1116

Hon. Robert S. Lasnik Chief Judge, U.S. District Court 15128 U.S. Courthouse 700 Stewart Street Seattle, WA 98101-1271

Hon. Catherine D. Perry U.S. District Judge Thomas F. Eagleton U.S. Courthouse 111 South Tenth Street, 14th Floor St. Louis, MO 63102-9958 Hon. Michael J. Reagan U.S. District Judge 200 Melvin Price Fed. Bldg. & U.S. Courthouse 750 Missouri Avenue E. St. Louis, IL 62201

Hon. Dana M. Sabraw
U.S. District Judge
U.S. District Court
4290 Edward J. Schwartz U.S. Courthouse
940 Front Street
San Diego, CA 92101

Hon. Charles R. Simpson, III Chief Judge, U.S. District Court 247 Gene Snyder U.S. Courthouse 601 West Broadway Louisville, KY 40202

Hon. Rodney W. Sippel U.S. District Judge Thomas F. Eagleton U.S. Courthouse 111 South Tenth Street, 10th Floor St. Louis, MO 63102-1116

Hon. Frederick P. Stamp, Jr. U.S. District Judge P.O. Box 791 Federal Building 1125 Chapline Street Wheeling, WV 26003-0100

Hon. William D. Stiehl Senior U.S. District Judge P.O. Box 249 E. St. Louis, IL 62202

Hon. N. Carlton Tilley, Jr. Chief Judge, U.S. District Court U.S. District Court P.O. Box 3443 Greensboro, NC 27402

Hon. E. Richard Webber U.S. District Judge Thomas F. Eagleton U.S. Courthouse 111 South Tenth St., 12th Floor St. Louis, MO 63102-1116 Case 3:06-cv-00410-MHT-SRW Document 9-6 Filed 05/23/2006 Page 8 of 9 Case 2:05-md-01657-EEF-DEK Document 1259 Filed 10/27/2005 Page 8 of 9

INVOLVED CLERKS LIST DOCKET NO. 1657 IN RE VIOXX PRODUCTS LIABILITY LITIGATION

Bruce Rifkin, Clerk U.S. Courthouse 700 Stewart Street Seattle, WA 98101

David J. Maland, Clerk Jack Brooks Federal Bldg. & U.S. Courthouse 300 Willow Street, Suite 104 Beaumont, TX 77701

James Woodward, Clerk 3300 Thomas F. Eagleton U.S. Courthouse 111 South Tenth Street St. Louis, MO 63102

Jeffrey A. Apperson, Clerk 106 Gene Snyder U.S. Courthouse 601 West Broadway Louisville, KY 40202

John Brubaker, Clerk P.O. Box 2708 Greensboro, NC 27402-2708

Michael N. Milby, Clerk P.O. Box 5059 McAllen, TX 78502-5059

Norbert G. Jaworski, Clerk U.S. District Court P.O. Box 249 E. St. Louis, IL 62202-0249

W. Samuel Hamrick, Jr., Clerk 4290 Edward J. Schwartz Federal Building 880 Front Street San Diego, CA 92101-8900

Wally A. Edgell, Clerk P.O. Box 471 Wheeling, WV 26003-0060 Document 9-6 Document 1259 Filed 05/23/2006 Filed 10/27/2005

Page 9 of 9 Page 9 of 9

UNITED STATES OF AMERICA JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN: Judge Wm. Terrell Hodges United States District Court Middle District of Florida

MEMBERS: Judge John F. Keenan United States District Court Southern District of New York

Judge D. Lowell Jensen United States District Court Northern District of California

Judge J. Frederick Motz United States District Court District of Maryland Judge Robert L. Miller, Jr.*
United States District Court
Northern District of India Northern District of Indiana

Judge Kathryn H. Vratil United States District Court District of Kansas

Judge David R. Hansen United States Court of Appeals Eighth Circuit .. DIRECT REPLY TO:

Michael J. Beck Clerk of the Panel One Columbus Circle, NE Fhurgood Marshall Federal Judiciary Building Room G-255, North Lobby Washington, D.C. 20002

Telephone: [202] 502-2800 Fax: [202] 502-2888

http://www.jpml.uscourts.gov

October 21, 2005

Loretta G. Whyte, Clerk U.S. District Court 102 Versailles Street Suite 501 Lafayette, LA 70501

Re: MDL-1657 -- In re Vioxx Products Liability Litigation

(See Attached Schedule A of Order)

Dear Ms. Whyte:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

The Panel has ordered that its Rule 1.6(a), pertaining to transfer of files, be suspended for purposes of this litigation. Accordingly, the transferee district clerk shall request, and the transferor district clerk shall forward, only those files deemed necessary by the transferee district court.

A list of involved counsel is attached.

Very truly,

Michael J. Beck Clerk of the Panel

Enclosures/Attachment

Transferee Judge: Judge Eldon E. Fallon

Transferor Judges: (See Attached List of Judges) Transferor Clerks: (See Attached List of Clerks)

JPML Form 29A